

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JAMES OTIS TOWNS,)
)
Petitioner,)
)
v.) Case No. CIV-12-1062-D
)
TERRY MARTIN, Warden,)
)
Respondent.)

O R D E R

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on September 25, 2012. Judge Purcell recommends the denial of Petitioner's motion for leave to proceed *in forma pauperis* (IFP) because he has sufficient financial resources to pay the \$5.00 filing fee for his Petition. Petitioner has not filed a timely objection but, instead, has paid the required \$5.00 fee. Accordingly, the Court finds that Petitioner's IFP motion is moot.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is ADOPTED, and Petitioner's IFP motion [Doc. No. 2] is DENIED.

IT IS FURTHER ORDERED that the case is re-referred to Judge Purcell for further proceedings consistent with the initial order of referral.

IT IS SO ORDERED this 22nd day of October, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE